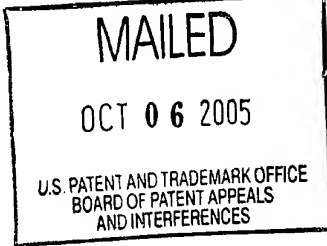


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LARRY B. GRAY, ANN ECKERT,
TODD M. CHELAK and ROBERT M. TUMARKIN

Application No. 09/665,668

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on May 31, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On January 26, 2004, appellants filed an Appeal Brief. A review of the Brief reveals that claim 22 is not the correct copy according to the amendment filed on May 6, 2003. The examiner indicated on page 8 of the Answer that a copy of claims 21 and 22 were attached, as well as a copy of U.S. Patent No. 5,844,193. A review of the file reveals that no such attachments have been provided.

Application No. 09/665,668

Accordingly, it is

ORDERED that the application is returned to the examiner for resolution of the following issues:

- (1) to have the two attachments scanned, namely, copies of claims 21 and 22, as well as the missing copy of U.S. Patent No. 5,844,193;
- (2) to notify appellants in writing; and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

CRAIG R. FEINBERG
Program and Resource Administrator
(571) 272-9797

cc: Audley A. Ciamporcerro, Jr., Esq.
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003

CRF/clm/meh